



NUCLEAR ENERGY INSTITUTE

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NUCLEAR GENERATION DIVISION

December 17, 2010

Mr. Frederick D. Brown
Director, Division of Inspection and Regional Support
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Industry Comments on Inspection Procedure IP-71111.05T, *Fire Protection (Triennial)*

Project Number: 689

Dear Mr. Brown:

The latest revision of the triennial fire protection inspection procedure (IP-71111.05T) was issued on September 30, 2010, and will be effective beginning January 01, 2011. This revision focuses inspection efforts on fire-induced circuit failures and operator manual actions to ensure licensees have appropriately implemented the U.S. Nuclear Regulatory Commission/industry guidance to achieve compliance in these areas. The NRC recently performed a trial of this new guidance at triennial inspections for two licensees in the form of Temporary Instruction 2515/181, *Validate the Effectiveness of the Regulatory Infrastructure Related to Fire-Induced Circuit Failure and Operator Manual Actions*.

During a public meeting on October 27, 2010, the industry identified several discrepancies between the inspection procedure and existing guidance; particularly RG 1.189 Revision 2 and NEI 00-01 Revision 2, in the area of circuit analysis. The discrepancies are further discussed in an attachment to this letter.

Most importantly, Enclosure 3 of the inspection procedure inappropriately changes the standard for determining whether changes to Fire Protection Programs (FPP) require preapproval by the NRC. The standard for evaluating such changes is whether the change will "adversely affect the ability to achieve and maintain safe shutdown in the event of a fire."¹ This is the standard established in the standard license condition granted to most nuclear power plant licensees by the NRC. The concept of "adversely affecting the ability to achieve and maintain safe shutdown in the event of a fire" has

¹ See *Implementation of Fire Protection Requirements* (Generic Letter 86-10), April 24, 1986 (providing the generic fire protection license condition).

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been referenced in regulatory guidance and explained in docketed correspondence. The "adverse affect" test as it relates to the ability to achieve and maintain safe shutdown in the event of a fire is the standard that NRC inspectors should apply when evaluating whether program changes require prior NRC approval. This "adverse effect" test is described in GL 86-10 (Question 8.4), GL 88-12, and SECY-85-306 as being a case where prior NRC approval would be required for a change that resulted in a non-compliance with Appendix R such that post-fire safe shutdown could not be achieved (essentially a situation where an exemption must be requested).


Further, although we acknowledge that changes to a pre-1979 licensee's FPP resulting in non-compliance with the requirements of 10 CFR 50 Appendix R would require prior approval (an exemption), we do not agree with the examples provided in Enclosure 3 in that they make no distinction between pre and post-1979 plants and, in many cases, would impose regulatory acceptance standards on licensee's where none existed previously.

Finally, the inspection procedure inappropriately relies on references that are outdated and some that are not publically available.

Recommended changes to the inspection procedure that address the above concerns are provided in the attachment to this letter. We believe that revision to the inspection guidance is necessary prior to its implementation in support of triennial inspections. This action is needed to support efforts to achieve a stable and predictable environment in fire protection particularly for triennial inspections.

If you have any questions regarding this document, please feel free to contact me at 202-739-8108; jcb@nei.org or Thomas Basso at 202-739-8025; tbb@nei.org.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Butler", with a stylized flourish at the end.

John C. Butler

Attachment

c: Mr. Jack Grobe, NRR, NRC
Dr. Sunil D Weerakkody, NRR/DRA/AFP, NRC
Mr. Alex R. Klein, NRR/DRA/AFP, NRC
Mr. Tim J. Kobetz, NRR/DIRS/IRIB, NRC